

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD LEE SMITH, JR.,

Plaintiff,

No. 22-11586

v.

Honorable Nancy G. Edmunds

BISCHAN HASSUNIZADEH, *et al.*,

Defendants.

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S  
JUNE 21, 2023 REPORT AND RECOMMENDATION [55]**

Plaintiff Edward Lee Smith, Jr., who is currently in the custody of the Michigan Department of Corrections, filed this pro se prisoner civil rights lawsuit under 42 U.S.C. § 1983. (ECF No. 1.) The Court previously entered an order partially dismissing the complaint and ordering service of the complaint upon eighteen defendants. (ECF No. 11.) The Court also entered an order referring all pre-trial proceedings in this case to Magistrate Judge Anthony P. Patti. (ECF No. 42.) The matter is now before the Court on the Magistrate Judge's report and recommendation to grant Defendants Rebecca Byrne, Misty Miller, and Adria Roach's motion for summary judgment on the basis of exhaustion. (ECF No. 55.) No party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." See *Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at \*2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nonetheless, the Court has reviewed the matter and agrees with the Magistrate Judge. The Court, therefore, ACCEPTS AND ADOPTS the report and recommendation (ECF No. 55). Accordingly,

Byrne, Miller, and Roach's motion for summary judgment (ECF No. 26) is GRANTED.

Fifteen defendants remain in this matter.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: July 11, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 11, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager